IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5104 of 2005

Between:

B.Sambaiah, s/o Lakshmaiah,
Primary Agricultural Co.op.Society, Pasra,

r/o Pasra, Govindaraopet Mandal, Warangal District.

..... PETITIONER

AND

1 The Primary Agricultural Co.operative Society,

Pasra, Govindaraopet Mandal, Warangal District
rep., by its Chairman, Persons-Incharge-Committee.
2 The Deputy Registrar of Co.operative

Societies/ The Divisional Cooperative officer, Mulugu,

Warangal District.
3 The Joint Registrar of Cooperative

Societies/ The District Cooperative Officer,
Warangal District, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus- i) declaring the suspension orders issued by the 1st respondent dated 19-7-2004 in Rc.No.1/2004-05 and the action of the 1st respondent in not paying the subsistence allowance to the petitioner and in not revoking the suspension order even after expiry of more than 6 months as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice and against by-law No.12 of the Special By-Laws relating to the service conditions of the employees working in cooperative societies and set aside the same; consequently ii) declare the inaction of the 2nd and 3rd respondents in not passing any order pursuant to the representation dated 2-11-2004 and the directions of the Hon'ble Minister for Civil Supplies thereon, as illegal, arbitrary and unconstitutional apart from being

violative of principles of natural justice; consequently iii) direct the 1st respondent to take the petitioner back to duty as Secretary of the 1st respondent society by paying him salary from June, 2002 by giving all service benefits; and iv) pass such other order or orders as the Hon'ble Court deems fit, proper and appropriate in the circumstances of the case.

Counsel for the Petitioner: MR.NANDIGAM KRISHANA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

The Court at the stage of admission made the following:

ORDER:

Challenging the suspension order dated 19.07.2004, in Rc.No.1/2004-05, issued by the 1st respondent, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Cooperation.

The Chairman of the Society placed the petitioner under suspension by proceedings dated 19.07.2004, for his unauthorized continuous absence and misappropriation of society funds. The authority, who issued the suspension order, is not under challenge. Since serious allegations are levelled against the petitioner, he was rightly placed under suspension.

There are absolutely no grounds to set aside the suspension order. However, the petitioner is entitled for subsistence allowance as a matter of right, but not as bounty.

Therefore, I deem it appropriate to dispose of the writ petition, with a direction to the respondents to pay subsistence allowance to the petitioner and also review the suspension order, as per byelaws relating to the service conditions of the employees working in the Society. The 1st respondent/Person-in-charge shall act in accordance with rules and regulations in appointing an Enquiry Officer.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 22.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Chairmanm,

Persons-incharge-Committee,

The Primary Agricultural Cooperative Society,

Pasra, Govindaraopet Mandal,

Warangal District

2. The Deputy Registrar of Cooperative Societies/

The Divisional Cooperative Officer, Mulugu,

Warangal District

3. The Joint Registrar of Cooperative Societies/

The District Cooperative Officer,

Warangal District, Warangal

4. Two CCs to the Government Pleader for

Cooperation, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**RS**}*